



MAILED

MAY 23 2002

Paper No. 8

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600**

Stephan C. Glazier
Pillsbury Winthrop LLP
P.O. Box 10500
McLean, Virginia 22102

In re Application of: Kathryn A. Jones)	
Application No. 09/785,462)	
Filed: February 20, 2001)	DECISION ON PETITION FOR
For: E ² AUTOMOBILE DEALERSHIP)	ACCELERATED EXAMINATION
INFORMATION MANAGEMENT)	UNDER M.P.E.P. §708.02(VIII)
SYSTEM)	

This is a decision on the petition, filed December 21, 2001 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(b) Presents all claims directed to a single invention, *or if* the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.

(c) Submits a statement(s) that a pre - examination search was made, *listing the field of search by class and subclass*, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites

set forth above, *applicant will be notified and the defects in the request will be stated*. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deemed deficient because it does not meet the requirements of section (b) which states:

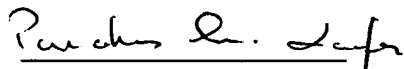
(b) Presents all claims directed to a single invention, *or if* the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.

Petitioner states "If it is determined that the pending claims are not directed to a single invention, Applicant's will make an election without traverse as required under M.P.E.P. §708.02(VIII)(b)." Section (b) quoted above is read as containing two requirements. First, Applicant must assert that the claims as presented are directed to a single invention (emphasis added). Second, Applicant must agree that in the event that the Office determines otherwise Applicant will elect without traverse. That is, the "*or if*" is read as meaning "in the event that". Applicant must first assert that the claims are directed to a single invention in order to meet a threshold for consideration of the Petition.

Furthermore, Applicant's submission is deficient in that it merely reproduces the Abstracts provided in each reference. That is, the submission does not satisfy the requirement of section (e) as it does not provide a *detailed discussion* of the references.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160